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**RESOLUTION NO. 04-580**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING **FIREFLY DRIVE AND AZURE LANE FROM THE SOUTH LINE OF 13TH STREET NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SACS, (SOUTH OF 13TH, WEST OF 119TH STREET WEST) 472-84111**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING **FIREFLY DRIVE AND AZURE LANE FROM THE SOUTH LINE OF 13TH STREET NORTH, SOUTH TO AND INCLUDING THE CUL-DE-SACS, (SOUTH OF 13TH, WEST OF 119TH STREET WEST) 472-84111**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve **Firefly Drive and Azure Lane from the south line of 13th Street North, south to and including the cul-de-sacs, (south of 13th, west of 119th Street West) 472-84111**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Seven Hundred Sixty-eight Thousand Dollars (\$768,000)** exclusive of the cost of interest on borrowed money, with **97** percent payable by the improvement district and **3** percent payable by the City at large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2004**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**WHISTLING WALK ESTATES**

Lots 1-8 Inclusive, Block A

Lots 1-8 Inclusive, Block B

Lot 9, Block B

Lots 1 & 2, Block C

Lot 3, Block C

Lots 4 & 5, Block C

**WHISTLING WALK ESTATES 2ND ADDITION**

Lot 1  
Lots 2-5 Inclusive  
Lots 6 & 7

**WHISTLING WALK ESTATES 3RD ADDITION**

Lots 1 & 2, Block A except that part deeded to the City

**WHISTLING WALK ESTATES 4TH ADDITION**

Lots 1, 2, & 3, Block 1  
Lot 4, Block 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

Lots 1-8, Block A, 1-9 Block B, Lots 1-5 Block C in Whistling Walk Estates each paying 11/528ths of the cost and Lot 1 and that part of Lot 2 beginning at the NW corner; SE to the NE corner SE 83.04' NW to the beginning in Whistling Walks Estates 2nd Addition paying 24/528th of the cost and with Lot 2 except beginning at the NE corner; thence NW along the N line 662.26' to the NW corner SELY 667.45' to a point 83.04' S of NE corner NLY along the E line to the beginning in Whistling Walk Estates 2nd paying 24/528th of the cost and with Lots 3-7 in Whistling Walk Estates 2nd each paying 24/528ths of the cost and with Lots 1 and 2, Block A in Whistling Walk Estates 3rd Addition each paying 11/528ths of the cost and with Lots 1-4, Block 1 in Whistling Walk Estates 4th Addition each paying 24/528ths of the cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination

thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, October 19, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)